

Message Text

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ORIGIN DLOS-09

INFO OCT-01 ARA-10 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-09 OMB-01 PA-01 PM-05 SP-02 SS-15
ICA-11 /148 R

DRAFTED BY S/AR:AGJAMES/MW
APPROVED BY S/AR:AGJAMES
-----124622 080000Z /61
R 072006Z AUG 78
FM SECSTATE WASHDC
TO AMEMBASSY QUITO
INFO USMISSION USUN NEW YORK

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FOR SUTTON FROM JAMES, S/AR

E.O. 11652:N/A

TAGS: PLOS, OVIP (RICHARDSON, ELLIOT L)

SUBJECT: LOS - AMBASSADOR RICHARDSON'S CONSULTATIONS IN
QUITO, AUGUST 3

1. THIS TELEGRAM CONTAINS A REPORT OF AMBASSADOR RICHARDSON'S CONVERSATIONS IN THE MORNING OF AUGUST 3 WITH THE FOREIGN MINISTER, DEFENSE MINISTER AND GENERAL DURAN. WOULD YOU PLEASE REVIEW IT AND LET US KNOW WHETHER YOU CONSIDER IT AN ACCURATE REPORT OR WHETHER THERE ARE CHANGES WHICH YOU THINK SHOULD BE MADE. BY SEPARATE TELEGRAM, WE ARE REPORTING RICHARDSON'S CONSULTATIONS WITH THE ECUADORIAN LOS DELEGATION ON THE AFTERNOON OF AUGUST 3. WHEN
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YOU RECEIVE THIS LATTER REPORT WOULD YOU PLEASE REVIEW IT AS WELL AND LET US KNOW WHETHER THERE ARE ANY CHANGES YOU THINK SHOULD BE MADE.

2. AMBASSADOR RICHARDSON DISCUSSED LAW OF THE SEA ISSUES WITH ECUADOREAN OFFICIALS AUGUST 3 IN QUITO, THE LAST STOP ON HIS FIVE COUNTRY TOUR OF SOUTH AMERICA. HE PAID

COURTESY CALLS IN THE MORNING ON FOREIGN MINISTER AYALA, DEFENSE MINISTER ARRATA MACIAS AND ARMY GENERAL DURAN OF THE SUPREME COUNCIL OF GOVERNMENT. IN THE AFTERNOON HE HAD AN IN DEPTH REVIEW OF LOS ISSUES WITH THE ECUADOR DELEGATION LED BY VICE CHAIRMAN AMBASSADOR LUIS PONCE.

3. RICHARDSON'S CONVERSATIONS WITH DURAN AND THE DEFENSE MINISTER DEALT WITH LOS IN ONLY GENERAL TERMS. THE TALK WITH AYALA, WHICH WAS SOMEWHAT MORE SUBSTANTIVE, IS REPORTED BELOW. A REPORT ON THE AFTERNOON DISCUSSIONS WILL BE THE SUBJECT OF A SEPARATE TELEGRAM.

4. AYALA SAID THAT IN THE AFTERNOON THE ECUADOR DELEGATION WOULD WANT TO DISCUSS THREE POINTS OF GREAT IMPORTANCE TO ECUADOR.

--A) HIGHLY MIGRATORY SPECIES

--B) SAFEGUARD CLAUSE (ECUADOR'S PROPOSED ARTICLE 54 BIS RECOGNIZING CONTINUING VALIDITY OF ECUADOR'S 200 MILE TERRITORIAL SEA LEGISLATION)

--C) ARCHIPELAGOES WHICH ARE NOT STATES BUT TERRITORIES OF A CONTINENTAL STATE (I.E. GALAPOGOS ISLANDS). HE HOPED THE US WOULD SUPPORT ECUADOR'S POSITIONS ON THESE ISSUES. RICHARDSON SAID THAT ON THE FIRST POINT WE COULD SUPPORT ECUADOR, BUT THE SECOND AND THIRD PRESENT DIFFICULTIES FOR US. HE NOTED THAT THE US HAS OPPOSED GIVING ARCHIPELAGIC STATUS TO ISLANDS WHICH ARE NOT STATES, INTER ALIA, LIMITED OFFICIAL USE

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OUT OF CONCERN FOR THE PROBLEMS IT COULD CAUSE IN THE EASTERN MEDITERRANEAN. HE DID NOT SEE THAT GRANTING SUCH STATUS TO THE GALAPAGOS WOULD MAKE MUCH PRACTICAL DIFFERENCE TO ECUADOR, ESPECIALLY SINCE THE GALAPOGOS WOULD HAVE A 200-MILE ECONOMIC ZONE.

5. RICHARDSON THOUGHT THE CONFERENCE COULD SOLVE THE REMAINING NON-SEABEDS PROBLEMS WITHOUT GREAT DIFFICULTY; RESOLVING SEABED ISSUES WOULD IN CONTRAST BE VERY HARD. HE SAID THAT WHILE THERE IS BROAD ACCEPTANCE OF THE DUAL OR PARALLEL SYSTEM OF SEABED EXPLOITATION, THE US COULD NOT ACCEPT A SYSTEM WHICH GIVES SO MUCH DISCRETIONARY POWER TO THE INTERNATIONAL AUTHORITY THAT AN INVESTOR IN SEABED MINING HAS NO REAL ASSURANCE OF SECURITY OF HIS INVESTMENT. WE NEED, HE SAID, A STABLE LEGAL FRAMEWORK FOR EXPLOITATION OF THE SEABED WHICH ENSURES THAT THE ACTIONS OF THE AUTHORITY WILL BE PREDICTABLE. FAILING SUCH PROVISIONS, THERE WILL BE NO INVESTMENT AT ALL IN THE SEABEDS MINING. US COMPANIES HAVE SAID THAT THEY WOULD MAKE NO INVESTMENTS ON THE BASIS OF THE ICNT AND THE TEXTS NEGOTIATED AT GENEVA. THEREFORE IT WAS ESSENTIAL TO DO SEVERAL THINGS: MAKE CLEAR IN THE TEXT THAT THE ENTERPRISE SHALL HAVE NO

COMPETITIVE ADVANTAGE OVER THE PRIVATE CONTRACTORS ON STATE ENTERPRISES; ENSURE THAT VOTING IN THE COUNCIL WOULD DULY REFLECT MAJOR ECONOMIC INTERESTS AND INVESTMENT IN SEABED MINING; AND PROVIDE FOR A SYSTEM OF JUDICIAL REVIEW OF ABUSES OR EXCESSES OF POWER BY THE AUTHORITY.

6. AYALA ASKED WHETHER RICHARDSON REALLY MEANT THAT THERE WOULD BE NO INVESTMENT IN SEABED MINING IF THERE IS NO ADEQUATE LEGAL FRAMEWORK; IF THE CONFERENCE FAILED TO REACH AGREEMENT, WOULD THE UNGA MORATORIUM BE RESPECTED? RICHARDSON SAID NO, IT WOULD NOT BE. THE US INSISTS THAT IT HAS THE RIGHT UNDER INTERNATIONAL LAW TO MINE THE SEABED. THE COMMON HERITAGE OF MANKIND HAS NO LEGAL COROLLARY THAT THERE SHOULD BE NO MINING UNTIL AN INTERNATIONAL LIMITED OFFICIAL USE

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SYSTEM IS IN PLACE. HE ADDED THAT LEGISLATION NOW BEING CONSIDERED BY THE US CONGRESS WHICH WOULD AUTHORIZE SUCH MINING WAS CONSISTENT WITH THE KIND OF TREATY WE ARE SEEKING AT THE CONFERENCE. AYALA CLOSED THE DISCUSSION BY NOTING SIMPLY THAT ECUADOR DOES NOT AGREE WITH THE US THESIS THAT MINING MAY GO AHEAD EX-TREATY.

CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AMBASSADORS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE198834
Document Source: CORE
Document Unique ID: 00
Drafter: AGJAMES/MW
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780323-0659
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780891/aaaacycx.tel
Line Count: 144
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: e25e9a67-c288-dd11-92da-001cc4696bcc
Office: ORIGIN DLOS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1817213
Secure: OPEN
Status: NATIVE
Subject: LOS - AMBASSADOR RICHARDSON'S CONSULTATIONS IN QUITO, AUGUST 3
TAGS: PLOS, OVIP, (RICHARDSON, ELLIOT L)
To: QUITO
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/e25e9a67-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014